IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE WESTERN DIVISION

VIRGINIA WILLIAMS, Plaintiff,))))
vs.) Civil No. <u>05-2352-Ml/P</u>
COMMISSIONER OF SOCIAL SECURITY ADMINISTRATION,))
Defendant.)

RECOMMENDATION THAT CASE BE DISMISSED WITH PREJUDICE FOR FAILURE TO PROSECUTE

Before the court, by Order of Reference, is plaintiff Virginia Williams's Social Security Appeal filed May 11, 2005. On May 16, 2007, the Clerk of the Court entered a scheduling order directing Williams to file a brief in support of her claims by no later than June 16, 2007. Williams did not file her brief as required by the scheduling order. Therefore, on June 28, 2007, the court entered an Order to Show Cause ordering Williams to file her brief within eleven (11) days from the date of the order. The court warned Williams that failure to comply with the order "shall result in a recommendation to the District Judge that her case be dismissed with prejudice for failure to prosecute." Williams's brief was due July 9, 2007; however, she did not file a brief in compliance with the show cause order. To date, Williams has still not filed her brief in support of her claims.

In light of Williams's failure to comply with the scheduling

order, and the Order to Show Cause, the court recommends that her complaint be dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b), for failure to prosecute her claim. See Ortega v. Comm'r of Social Security, No. 00-6094, 2001 WL 266884, at *1 (2d Cir. Mar. 19, 2001); Von Sutton v. Barnhart, No. 1:05cv1109, 2006 WL 2792410, at *1 (E.D. Ca. Sept. 27, 2006); Camacho v. Comm'r of Social Security, No. 04Civ.6686, 2006 WL 278399, at *1 (S.D.N.Y. Feb. 1, 2006).

Respectfully submitted.

s/ Tu M. Pham

TU M. PHAM

United States Magistrate Judge

July 10, 2007

Date

NOTICE

ANY OBJECTIONS OR EXCEPTIONS TO THIS REPORT MUST BE FILED WITHIN TEN (10) DAYS AFTER BEING SERVED WITH A COPY OF THE REPORT. 28 U.S.C. § 636(b)(1)(C). FAILURE TO FILE THEM WITHIN TEN (10) DAYS MAY CONSTITUTE A WAIVER OF OBJECTIONS, EXCEPTIONS, AND ANY FURTHER APPEAL.